

Regulatory Triggers/Authorization to Construct

What permit do I need and when can
I start to build?

APII/WG4; 8/30/2005

Regulatory Triggers Authorization to Construct

- From ideation Session:
 - Small changes trigger need for permit action
 - Unable to start non-permit facility work (e.g., site preparation) prior to issuance

Regulatory Triggers

Authorization to Construct

- Boundaries
 - Any rule changes which allow for construction prior to obtaining a permit would not apply to PSD/NAA major modifications.
 - Proposed changes are to provide equal environmental protection and not significantly reduce the public's ability to participate in the permitting/review process

Regulatory Triggers

Authorization to Construct

- Boundaries
 - The proposed additions must make the permitting rules no more complex than those existing today

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- Existing Construction Permit Exemptions
 - **Specific exemptions** are for specific processes identified in the Adm. Code which have been determined to have low emissions and low environmental impact
 - **General exemptions** are based on the project emissions, applicable regulations and whether the proposed modification is prohibited by an existing permit.

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- Ideas for Expanded Exemptions
 - Leave exemptions unchanged.
 - Add exemptions based on potential or actual emissions to make a third category of exempt sources or to replace the present general exemptions
 - Leave exemptions unchanged but allow, in certain cases, increases that are prohibited by a permit that don't exceed some threshold.
 - Add additional specific exemptions for identified processes.
 - Allow exemptions for replacement units

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- Potential/actual exemptions
 - What emission level to use?
 - need to be practically enforceable
 - how emissions are calculated
 - recordkeeping
 - control equipment usage required
 - use of general construction permits (expanded)

Regulatory Triggers Authorization to Construct

- Allow increase that are prohibited by a permit
 - likely a significant op permit revision
 - project wide increase
 - number of times allowed (requirement avoidance)
 - modification/exclusion

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- Allow increase that are prohibited by a permit
 - could eliminate many small increases from permit review
 - gatekeepers
 - addresses small increase in emissions issue

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- More specific exemptions
 - possible, but need suggestions
 - for uncontrolled emission sources

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- Replacement Units
 - Allow replacement if conditions unchanged
 - capacity and function need to be similar
 - increment consumption
 - new rule applicability

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- Pre-permit Construction
 - presently only allowed for minor projects when there is “undue hardship”
 - all construction activities are prohibited

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- Codify Existing Construction permit waiver
 - allows use of criteria other than “undue hardship”
 - other criteria may include: complete application, weather impacts, projected emissions, public input/concern, applicant planning,...

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- Change Definition of construction prohibition
 - Requires Statutory change
 - more difficult to enforce
 - may have other negative impacts on contracting

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Authorization to Construct

- **Operation permit threshold**
- Change to 10 tons actual for any source
- Eliminates need for operation permits for small facilities
- reduces emission fees
- estimated up to 381 facilities could be exempted